51306/889:1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re the Application of: Salim et al. | Group Art Unit: 2876 |
| Serial No.: 10/612,870 | Examiner: Walsh, Daniel I. |
| Filed: July 2, 2003 | |
| For: OPERATION MONITORING AND ENHANCED HOST COMMUNICATIONS IN SYSTEMS EMPLOYING ELECTRONIC ARTICLE SURVEILLANCE AND RFID TAGS | |

## RESPONSE TO RESTRICTION

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby respond to the Office Action dated March 22, 2006 as follows.

A. Provisional Election

Applicants hereby provisionally elect Group I, as directed to method and system relating to tag deactivation, as directed to Claims 1-24 and 49-66.

Portlnd2-4564858.1 0051306-00889 CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313.

John A. Rafter, Jr.
Name of Person Mailing Paper

April 24, 2006
Date of Deposit

Signature of Person Mailing Paper

B. Traversal of Restriction

This election is with traverse.

It is submitted that Claims 25-48 are properly considered with the claims of Group I because of the relationship between what the Office Action has identified as different species: Group I: Method/System for tag deactivation (Fig. 1); Group II: Method/System for tag writing, as described below

Group I and Group II are related as aspects of electronic tags. Thus according to MPEP § 808.02,

> the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden if restriction is not required. The examiner must show by appropriate explanation one of the following:
>
> (A) **Separate classification thereof:** This shows that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.
>
> (B) **A separate status in the art when they are classifiable together:** Even though they are classified together, each invention can be shown to have formed a separate subject for inventive effort when the examiner can show a recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search.
>
> (C) **A different field of search:** Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different

> classes/subclasses or electronic resources, or employing different search queries), a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.
>
> Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among independent or related inventions.

Here, the restriction action does not set forth any of (A) through (C) above. Thus the requirements for insisting on the restriction have not been made and it is requested that the restriction be removed.

C. Presentation of Generic Claim

In the event the restriction is not removed, as previously identified, it is submitted that Claim 49 is a generic claim (as are dependent Claims 63-66) and upon allowance, the restricted claims should be examined. MPEP § 806.04(d).

C. Conclusion

It is also submitted that the restriction requirement should be removed. In any event, upon allowance of a generic claim (Claim 49 or 63-66), the remaining claims should be examined.

Respectfully submitted,

Dated: April 24, 2006

By: _____
John A. Rafter, Jr.
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